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Done
By And Andrew

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE

SEC Bond and Wolfe Avenues

Lot No. 8

* ZONING COMMISSIONER

(Proposed 50 Bond Avenue)
4th Election District

3rd Councilmanic District

Legal Owner: Oneil Johnson

Contract Purchaser: RRIG Corporation

Petitioner

Case No. 95-166-A

OF BALTIMORE COUNTY

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property located at the southeast corner of Bond Avenue and Wolfe Avenue, known as lot No. 8 in the subdivision of the property of Jacob W. Wolfe. Variance relief is requested from Section 1B02.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a street sideyard setback of 13.5 ft. in lieu of 30 ft.; a total sum of side yard widths of 23.5 ft. in lieu of 40 ft.; and a lot width of 54 ft. in lieu of 70 ft., for an undersized lot. The requested relief and subject property are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

The Petition is filed by Oneil Johnson, property owner and RRIG Corporation, Contract Purchaser.

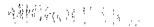
Appearing at the public hearing held for this case was Isaac Gheiler, Chief Executive Officer of RRIG Corporation. Also appearing on behalf of the Petitioner was Alexander P. Ratych from APR Associates. Mr. Ratych is a licensed surveyor and prepared the site plan. The Petitioner was represented by Kathryn May, Esquire. Appearing in opposition to the request was Sandra Sims, representing a neighboring property owner. Also present was Lenwood Johnson and William Hughey on behalf of the Office of Planning and Zoning.

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Mr. Gheiler, the principal officer of RRIG Corporation, testified and stated that his corporation is a builder of single family homes. He described his company as a small business which does not develop large subdivisions but builds individual homes on single lots. The company specializes in construction of smaller houses and has built a number of houses in Baltimore County, including one not far from the subject site at 26 Bond Avenue. RRIG Corporation is under contract to purchase the property from Oneil Johnson, the present owner. Mr. Gheiler proposes constructing a split foyer single family dwelling on the property. The proposed house is shown on the elevation drawings which were submitted at the public hearing as Petitioner's Exhibit No. 2. This will be a 30 x 38 ft. house with 1-1/2 bathrooms and 3 bedrooms. The building will be a stick framed dwelling with vinyl siding and is anticipated that the purchase price will be approximately \$105,000.00.

Mr. Alexander Radych, professional land surveyor, also testified. He noted that the subject lot is 54 ft. in width and approximately 200 ft. in depth. As shown on the plan, this lot is a corner lot located at the intersection of Wolfe Avenue and Bond Avenue. This is an older subdivision and most of the lots were originally laid out with 54 ft. widths. The property is zoned D.R.3.5 and is 10,824 sq. ft. in area.

Mr. Radych also observed that the lot is large enough to construct a single family dwelling under the area requirements. A minimum of 10,000 sq. ft. for any lot is required. However, several variances are needed. First, the site is only 54 ft. wide; however, a 70 ft. width is required. Second, because the lot is a corner lot, a 30 ft. side yard setback must be maintained for that side of the lot adjacent to Wolfe Avenue. The Petitioner proposes a 13.5 ft. setback on that side. Last, since A 10 ft.



ORDER RECEIVED FOR FILING

ORDER

OF STATEMENT

STATEME

side yard setback must be maintained for that side yard adjacent to the neighboring residential property, the sum of the side yard setbacks must be 40 ft. The Petitioner proposes a total of 23.5 ft. The other distances shown on the plan comply with the BCZR; specifically, a sufficient front yard depth exists as well as a rear yard setback. Mr. Radych testified that the Petitioner would suffer practical difficulty if strict adherence to the regulations were necessary. With the required side yard setbacks of 40 ft. total, a structure of only 14 ft. wide could be built if strict adherence to the regulations was required. Mr. Radych indicated that 14 ft. wide structure would not be practical and would be incompatible with houses in the surrounding locale.

Appearing on behalf of St. Luke's ME Church was Sandra Sims. St. Luke's ME Church owns lot No. 9, which is located immediately next door to the subject property. That property is improved with a house which is used as a parsonage. Apparently, the house is not occupied full time but is used as a residence for the pastor of the church and also as a meeting place and a site for counseling services.

Ms. Sims testified that the congregation of St. Luke's ME Church have utilized the subject property for many years. In fact, they were under the mistaken impression that the subject property (lot No. 8) was a portion of their site. Ms. Sims fears any development on the subject property, believing that it may adversely affect the surrounding locale. She particularly noted that this is a long established African American community and that this construction might be detrimental to the stability of this community.

These comments were echoed by Lenwood Johnson from the Office of Planning and Zoning. He described the subject locale and showed a video

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EN A TOWN

tape of many of the surrounding uses. He fears any additional construction in this neighborhood and believes that same may disrupt the established sense of the community. He also noted that the subject site lies within a designated National Historic area.

In considering the subject Petition, it is first worth noting that this site cannot be developed pursuant to Section 304 of the BCZR. As I have noted in numerous opinions from this office, a property owner can proceed to development under that section only if 3 tests are met. Those tests are: (1) That the subject property was a lot of record prior to 1955, (2) that the property owner owns no adjacent land large enough to combine with the undersized lot to create a sufficiently sized property and, (3) if all other height and area regulations are met (i.e., no variances to same are necessary.) Although the property owner meets the first two tests in this case, the need for side yard setback variances eliminates the availability of relief pursuant to Section 304.

However, it is significant that the Office of Planning and Zoning did review the elevation drawings for the house under the standards set forth in Section 304.2.A of the BCZR. Therein, it is provided that a property owner who intends to erect a dwelling pursuant to the provisions of that section, shall file elevation drawings with the Office of Planning and Zoning for review as to compatibility. In this regard, Mr. Hughey noted that the elevation drawings submitted were favorably considered by the Office of Planning. He did, however, note that Mr. Johnson's comments were relevant not so much as to the actual design standards proposed but as to the sense and well being of this existing community.

In any event, in that the proposal cannot be considered within the context of Section 304, the variances must be adjudged by the standards

set forth in Section 307 of the BCZR. Therein, it is provided that variance relief can be granted only if the property owner would suffer a practical difficulty if strict adherence to the regulations were required, if the relief granted will not detrimentally affect the surrounding locale, and if the relief is within the spirit and intent of the BCZR. Surely, the Petitioner has satisfied the practical difficulty test. If strict adherence to the regulations were required, a house only 14 ft. wide could be built. The lot could not be used for a permitted purpose (residential development) if strict adherence to the regulations were mandated. I believe that the Petitioner, likewise, satisfies the spirit and intent test. The house appears appropriately sized for the lot and the side yard setbacks are compatible with the existing neighborhood.

The final test is the most difficult to consider and relates to whether the proposed use will be detrimental to the surrounding locale. In this regard, although I am appreciative of the Protestant's concerns, I do not believe that they justify a denial of the variances. If the variances were denied, the property could not be developed for any residential purpose. Surely, it is unfair to the property owner to suffer the loss of the use of his property for the benefit of his neighbors. Although the Church may have utilized this property in the past, absence of finding of adverse possession in the Circuit Court, such past use does not justify a denial of the variances requested. It seems improper to require this Petitioner to dedicate his property as open space for the benefit of the neighborhood.

However, it is equally clear that any house constructed on the property should be compatible in design with other structures in the community.

In this regard, I will require the Petitioner to receive approval from the

Office of Planning and Zoning of the elevation drawings which had been submitted. Apparently, this approval has already tacitly been given. It is clear that a house of the size and character of existing dwellings in the neighborhood would be appropriate. Thus, I shall condition the grant of the variance upon the Petitioner obtaining said approval.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Zoning Regulations (B.C.Z.R.) to permit a 1802.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a street sideyard setback of 13.5 ft. in lieu of 30 ft.; a total sum of side yard widths of 23.5 ft. in lieu of 40 ft.; and a lot width of 54 ft. in lieu of 70 ft., for an undersized lot, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioner shall submit and receive approval of the elevation drawings for the proposed dwelling from the Office of Planning and Zoning, pursuant to Section 304.2 of the BCZR.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES/mmn

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

December 7, 1994

Kathryn May, Esquire c/o Julius W. Lichter, Esquire Levin and Gann 305 W. Chesapeake Avenue Towson, Maryland 21204

RE: Case No. 95-166-A
Petition for Variance
Property: Lot No. 8 - Proposed 50 Bond Avenue
RRIG Corporation, Contract Purchase, Petitioner

Dear Mrs. May:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

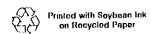
Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn att.

cc: Mr. Isaac Gheiler

All the same





Petition for Variance to the Zoning Commissioner of Baltimore County

YLAND	or Described & Country
for the property located	at the S.E. corner of Bond Ave. & Wolfe Av
45-1/2/2-1	which is presently zoned DR 3.5
is Petition shall be filed with the Office of Zoning Adm	Injetration & Development Management
The state of the s	Mairignore County and which is described by the standard of th
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ot width of 54 feet in lieu of	of 70 feet; and to approve an undersized lot.
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ne Zoning Regulations of Baltimore County, to the Zonin stical difficulty)	g Law of Baltimore County; for the following reasons: (Indicate hardship or
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resented at the public hearing	
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operty is to be posted and advertised as pre-	scribed by Zoning Regulations.
27 was coming regulations and restrictions of Baltin	ing, posting, etc., upon filing of this petition, and further agree to and are to more County adopted pursuant to the Zoning Law for Baltimore County.
	·
	I/We do solemnly declare and affirm under the annual section of
	i/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
et Purchaser/Lessee;	Legal Owner(s):
== = 0=	
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ire T	Signature Signature
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ltimore, MD 21203	•
State Zipcode	Signature
for Petitioner;	•
lius W. Lichter	104 6 Family 1 01 200 000
Print Name)	Address Address
FIN	PROTE NO.
A H	Bult. Md. 21229
,	City State Zhanda
	Name, Address and phone number of representative to be contacted.
5 W. Chesapeake Ave. 321-06	500
Phone No.	Julius W. Lichter
wson, MD 21204	
State Zipcode	305 W. Chesapeake Ave. 321-0600
OP. OF	Address Towson, MD 21204 Phone No.
Danie Admin	OFFICE USE ONLY
> KEVIEW purk	ESTIMATED LENGTH OF HEARING
14-20-0U	unevallable for Hearing
sled with Soybean Ink	the following dates Next Two Months
in Recycled Paper WJCR	ALLOTHER





Alexander P. Ratych, Prof. L.S. Paul K. Francis, P.E. Paul A. Ratych, Prop. L.S. John S. Smith, P.E.

ZONING DESCRIPTION FOR 50 BOND AVENUE ELECTION DISTRICT 4TH, COUNCILMANIC DISTRICT 3RD

BEGINNING FOR THE SAME at a point in the center of Bond Avenue, 40 feet wide, and in ine with the Easterly side of Wolfe Avenue, 30 feet wide; thence running in the centerline of Bond Avenue South 82 degrees 30 minutes East 54.00 feet; thence leaving Bond Avenue and running South 14 degrees 50 minutes West 201.80 feet and then North 82 degrees 30 minutes West 54.00 feet to intersect the Easterly side of Wolfe Avenue; thence binding thereon North 14 degrees 50 minutes East 201.80 feet to the point of beginning; containing 10,824 square feet or 0.248 acres more or less.

BEING Lot No. 8 in the subdivision of "property of JAcob W. Wolfe" as recorded in Baltimore County Plat Book No. 7, Folio 79.

10/14/94

ZDBA.DSC

15-166 Aller to Survey of Mary of Mary

MICROFILMED

7427 Harford Road Baltimore, Maryland 21234-7160 (410) 444-4312

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 95-164-17 Townson, Maryland

Posted for: Variance	Date of Posting /1/4/91
Posted for: Variance	
Petitioner: Onell Johnson - R	RIG Corp.
Location of property: 3 Eleon Bond	4 Wolfe Hry
Location of Signe: Facing road Way	on property being round
Remarks: No Pole use	
Posted by Signature	Date of return: 11 /10/94
Number of Signs:	



NOTICE OF HEARING

The Zoning Commissioner of The Zoning Commissioner of Baitlinore Gounty, by authority of the Zoning Act and Regulations of Baitlinore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-166-A (Item 161) SEC Bond and Wolfe Avenues Lot #9 (Proposed 50 Bond Avenue) 4th Election District 3rd Councilmanic Legal Owner(s): Onell Johnson Contract Purchaser(s): RRIG Corporation Hearing: Thursday, December 1, 1994 at 2:00 p.m. in Rm. 118, Old Courtnouse.

Variance to permit a street side yard setback of 13.5 feet in lieu of 30 feet; total sum of side yard widths of 23.5 feet in lieu of 40 feet; lot width of 64 feet in lieu of 70 feet; and to approve an undersized lot.

> LAWRENCE E. SCHMIDT Zoning Commissioner for **Baltimore County**

VOTES: (1)Hearings are Handi-papped Accessible; for special ac-commodations Please Call **187-3353**.

(2)For information concernno the File and/or Hearing, Please call 887-3391.

11/148 Nov 10.

CERTIFICATE OF PUBLICATION

10W3ON, MD., 1979
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md. once in each of
weeks, the first publication appearing on $\frac{1}{10000000000000000000000000000000000$

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

day of the expe



Rulf revolution,
Zoning Administration &
Development Management
111 West Chesapeake Avanue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number

16J

(WCR)

DROP-OFF --- NO REVIEW

Date 10/28/94

#010 - VARJANCE ---- \$50,00

#080 - SIGN POSTING ----- \$35.00

TOT'AL \$85.00

95-166×

Legal Owner: Oneil Johnson

Contract Purchaser: RRTG Corporation

SEC Bond and Walker-Avenuer Wolfe Avenues

Acreage: 10,824 square feet

District: 4c3

Attorney: Julius W. Lichter

Check from RRIG Building Corporation

MICHIGHED

可可以是對社會的自己問題。

25.74 44

Please Make Checks Payable To: Baltimore County

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERT POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON.

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For newspaper advertising:					
Item No.:					
Petitioner: RRIG Corporation (Oneil Johnson)					
Location: N.E. Corner of Bond Avenue and Wolfe Avenue					
PLEASE FORWARD ADVERTISING BILL TO:					
NAME: RRIG Corporation attn: Isaac Gheiler					
ADDRESS: 3403 Old Post Drive					
Baltimore, MD 21203					
PHONE NUMBER: 486-5693					
AJ:ggs					
AJ:ggs					

TO: PUTUXENT PUBLISHING COMPANY
November 10, 1994 Issue - Jeffersonian

Please foward billing to:

Julius W. Lichter, Esq. 305 W. Chesapeake Avenue Towson, Maryland 21204 321-0600

95-166-A

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-166-A (Item 161) SEC Bond and Wolfe Avenues Lot #9 (Proposed 50 Bond Avenue)

4th Election District - 3rd Councilmanic

Legal Owner(s): Onell Johnson

Contract Purchaser(s): RRIG Corporation

HEARING: THURSDAY, DECEMBER 1, 1994 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to permit a street side yard setback of 13.5 feet in lieu of 30 feet; total sum of side yard widths of 23.5 feet in lieu of 40 feet; lot width of 54 feet in lieu of 70 feet; and to approve an undersized lot.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES; (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.





Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

November 4, 1994

(410) 887-3353

95466-A

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County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

 \mathbf{or}

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-166-A (Item 161) SEC Bond and Wolfe Avenues Lot #9 (Proposed 50 Bond Avenue)

4th Election District - 3rd Councilmanic

Legal Owner(s): Onell Johnson

Contract Purchaser(s): RRIG Corporation

HEARING: THURSDAY, DECEMBER 1, 1994 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to permit a street side yard setback of 13.5 feet in lieu of 30 feet; total sum of side yard widths of 23.5 feet in lieu of 40 feet; lot width of 54 feet in lieu of 70 feet; and to approve an undersized lot.

Arnold Jablon Director

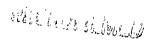
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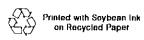
Oneil Johnson RRIG Corporation

Julius W. Lichter, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Julius W. Lichter 305 W. Chesapeake Avenue Towson, Maryland 21204

NOV. 2 € 1994

RE: Case No. 95-166A, Item No. 161 Petitioner: O'Neil Johnson

Dear Mr. Lichter:

The Zoning Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on October 28, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following is related only to the filing of future zoning petitions—and are aimed at expediting the petition filing process with this office:

- 1. The director of the Office of Zoning Administration and Development Management has instituted a system whereby zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions' filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.
- 2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
- 3. Those individuals who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e., 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Joyce Watson in the zoning office at 887-3391 or the commenting agency.

W. Carl Richards, Jr.

W. Con Richard M.

Zoning Supervisor

WCR/jnw Enclosure(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Director

Office of Planning and Zoning

DATE: November 18, 1994

SUBJECT: Below listed cases

In reference to the following cases, staff offers no comment:

Item Nos 161, 166, 172, 173, 175, 176, 177

If there should be any questions, please contact Jeffrey Long at 887-3480.

Prepared by:

Division Chief:

PK/JL

MICROFILMED

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

T0:

ZADM

DATE: 11/21/94

FROM:

DEPRM

Development Coordination

SUBJECT: Zoning Advisory Committee

Agenda: 11/7/94

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

153 156

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

Nov. 14, 1994 Arnold Jablon, Director DATE: TO: Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief Developers Engineering Section

Zoning Advisory Committee Meeting RE: for November 14, 1994 Items 153, 2, 155, 156, 157, 158, 159, 160 161, 162 and 163

The Developers Engineering Section has reviewed the subject zoning items and we have no comments.

RWB: sw



O. James Lighthizer Secretary Hal Kassoff Administrator

Baltimore County
Item No.: \$ 161 (WCR)

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTENTION: MS. JONGE WATSON
Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Re:

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Bob Small

Ronald Burns, Chief Engineering Access Permits

Division

BS/

My telephone number is ______

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free

Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

JATE: 11/08/94

Armeld Jeblom
Director
Zoning Administration and
Development Management
Baltinore County Office Building
Towson, MO 21204
MAIL STOP-1103

PE: Property Owner:

ECCATION: DISTRIBUTION PERTINS OF NOV. 7, 1991.

Item No.s

Zoning Agenda:

Contlanons

Purpuant to your request, the referenced property has been surveyed by this Eureau and the comments below are applicable and required to be corrected or incorporated into the final plant for the property.

B. The Fire Marchel's Office has no coments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBER: 158,154,155,154,157, 188,157,160,161,142 OND 163.



ZADM

REVIEWER: LT. ROBERT F. SAUGRWALD Fire Marshal Office, PHONE 887-4881, 49-11025

F. P. Park March

mus Bals



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

SPONDENCE /2/1/94
-94-166A
DATE: December 12, 1994

TO:

Lawrence E. Schmidt

Zoning Commissioner

FROM:

John McGrain

Office of Planning

SUBJECT:

Proposed house on Bond Avenue

Item No. 161



The members of the Landmarks Preservation Commission viewed the house design proposed by the RRIG Corporation at the southeast corner of Bond and Wolfe Avenues. The so-called "Boston" model is in no way related to the architectural history of Boston or to any known period of American architectural development. The design is an absurd mixture of stylistic elements. The gable peak is located over paired windows rather than over the entrance. The lunette, or half-round window over the door is inappropriate, too small to complete the door enframement. The mixture of full-scale upper windows and undersized lower windows is inappropriate, non-historical and awkward. structure is an intrusion to a long-standing African-American historic enclave and the house is out of proportion in its cost with the more modest, more traditional houses leading toward the historic St. Luke's Church (MHT Inventory Site No. BA 1255). The commission would invite the builder to attend our January 12 meeting and consider a more compact house with a more traditional alignment of windows and doors. The commission recently found the Neo-Victorian designs for houses on the DeFlora tract in Glyndon to be a suitable blend of designs for a neighborhood of mostly frame houses.

We would also like to mention that this street is part of the Reisterstown National Register Historic District established in 1980. The project is a threat to County Policies proposed in the January 1992 Progress Report from the Office of Planning and Zoning and the Office of Minority Affairs entitled "Baltimore County's Preservation of Historic African-American Communities."

John McGrain

RE: PETITION FOR VARIANCE * BEFORE THE

SEC Bond and Wolfe Avenues - Lot #9
(Proposed 50 Bond Avenue), 4th * ZONING COMMISSIONER

Election Dist., 3rd Councilmanic * OF BALTIMORE COUNTY

Oneil Johnson
Petitioners * CASE NO. 95-166-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Reter Mary Zimmeinan

sole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2187 day of November, 1994, a copy of the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esquire, 305 W. Chesapeake Avenue, Towson, MD 21204, attorney for Petitioners.

PETER MAX ZIMMERMAN

Entire State of

Reter Max Timmerson

INTER-OFFICE CORRESPONDENCE RECOMMENDATION FORM

10;	Director, Office of Planning and Zoning		B
	Attn: Ervin McDaniel		Permit Number
	County Courts Bidg, Rm 406		
	401 Bosley Av		A 5 1/1/2
FROM:	Towson, MD 21204		45.104
rkum;	Amold Jablon, Director, Zoning Administration and D	evelopment Management	1 ~ ' 1
RE:	Undersized Lots		
	The state of the s	Pagulations) offertive time OF 1000	at 1 am
tions an	Pursuant to Section 304.2(Baltimore County Zoning and comments from the Office of Planning & Zoning prior	regulations) effective June 25, 1992;	this office is requesting recommenda-
	APPLICANT SUPPLIED INFORMATION:	to the office's approval of a dwelling	permit.
Ck	RRIG Corporation, 3403 Old F	ost Drive,	486-5693
PTIM A	arm at Applicant Address		Telephone Number
□ Lot A	ddress SE corner Bond & Wolfe	Election District $\underline{4th}$ Council Distri	ct 3rd Square Feet 10,824
latio	cation: NESW/side/corner of Bond & Wolfe		adanta i cas
LOT EU	(street)	feet from N E S W corner of	(street)
land 0	waer Oneil Johnson	0.4.0	•
rand o	was Onerr Johnson	Tax Account Number 042.	5045610
Addre	ss 64 S. Franklintown Road	Telephone Homber	362-5337
	Baltimore, MD 21229		
	CHECKLIST OF MATERIALS: (to be submitted for design re	view by the Office of Planning and Zor	ning)
		PROVIDED?	Residential Processing Fee Paid
	4.964.36	YES MO	es 030 & 080 (\$85)
	1. This Recommendation Form (3 copies)	<u>V</u>	
	2. Permit Application (will be filed pe	ending outcome of	Accepted by ZAD
	variance reques	it) —	
	3. Site Ples Property (3 copies)		Date
	repairs to comest		
	Topo Map (available in Rm 204 C.O.S.) (2 copies)	<u></u>	ITEM 16
	(please label site clearly)		
	4. Building Elevation Drawings	<u> </u>	
	5. Photographs (please label all photos clearty)		
	Adjoining Buildings		
			•••
	Surrounding Neighborhood	<u></u>	_
	TO BE FILLED IN BY THE (OFFICE OF PLANNING AND ZONING ONLY	
RECOMME	NDATIONS/COMMENTS:	and an analysis of the state of	
	MANAGORIALITA;	pa.	
APP	prevei Disapprevei Approval condit	ioned on required modifications of the	namit to conform with the fallenders
	recor	nmendations:	Power to comount with the tottoming
API	Disappreval Approval condit	ioned on required modifications of the nmendations:	permit to conform with the following

Signed by: Thanking & Zoning

Date: 11/17/94

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2 ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

The application for your proposed Building Permit Applica for filing by on	tion has been accepted
	Date (A)
A sign indicating the proposed Building must be posted fifteen (15) days before a decision can be rendered \$50.00 and posting \$35.00; total \$85.00.	on the property for . The cost of filing is
In the absence of a request for public hearing during the a decision can be expected within approximately four weed demand is received by the closing date, then the decision after the required public special hearing.	te Howavar if a sellis
*SUGGESTED POSTING DATE	_ D (15 Daya Peffica C) (
DATE POSTED	17511
HEARING REQUESTED-YESNODATE	
CLOSING DAY (LAST DAY FOR HEARING DEMAND)	
TENTATIVE DECISION DATE	_
*Usually within 15 days of filing	
CERTIFICATE OF POSTING	
District	
Location of property:	
Posted by: Date of Posting:	
Number of Signs:	
CK/UNDER.LOT (TXTSOPH)	



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

December 1, 1994

Julius W. Lichter, Esquire 305 West Chesapeake Avenue Towson, MD 21204

RE: Preliminary Petition Review (Item #161)

Legal Owner: Oneil Johnson

Contract Purchaser: RRIG Corporation

95-166 Hearing Dale . 12/1/94

SEC Bond and Wolfe Avenues

4th Election District

Dear Mr. Lichter:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours.

Catherine A. Milton

Planner I

CAM:sci

Enclosure (receipt)

cc: Zoning Commissioner



Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

January 5, 1995

Kathryn T. May, Esquire Levin & Gann 305 W. Chesapeake Avenue Towson, Maryland 21204

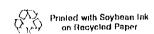
RE: PETITION FOR VARIANCE
SE/Corner Bond and Wolfe Avenues
(50 Bond Avenue)
4th Election District - 3rd Councilmanic
Oneil Johnson - Petitioner
Case No. 95-166-A

Dear Ms. May:

In response to your letter dated December 22, 1994 in which you requested clarification of the decision I rendered in the above-captioned matter, the following comments are offered.

To clarify my Order, let me reiterate again that I have ruled that the Petitioner is not eligible for relief pursuant to Section 304 of the B.C.Z.R. In my opinion, relief is available to a property owner under that Section only if all three parts of the test enunciated therein are strictly met. In that the Petitioner could not satisfy the side yard setback requirement, Section 304 is not appropriate. However, I did grant variance relief pursuant to the requirements of Section 1B02.3 of the B.C.Z.R. Specifically, I granted a street side yard setback of 13.5 feet in lieu of the required 30 feet, a total sum of the side yard widths of 25 feet in lieu of the required 40 feet, and a lot width of 54 feet in lieu of the required 70 feet.

You should also be aware of the restriction contained in my Order requiring that the Petitioner submit and receive approval of the elevation drawings for the architectural character of the proposed dwelling. The Petitioner would be required to submit such drawings to the Office of Planning and Zoning (OPZ) and receive approval thereof if granted relief pursuant to Section 304 of the B.C.Z.R.. Although Section 304 is not applicable to this case for the reasons set forth above, I have nonetheless required that the Petitioner comply with the requirements of Section 304.2. That is, compliance with that Section should be considered as a restriction attached to my Order, pursuant to Section 26-127(C) of the Baltimore County Code. Therein, it is provided that variances can be



WICE THE ...

Kathryn T. May, Esquire January 5, 1995 Page 2

issued with such conditions or restrictions as determined appropriate by the Zoning Commissioner for the purposes of protecting the public's health, safety or general welfare. Thus, your client should present the proposed elevation drawings for consideration and approval by OPZ.

Please do not hesitate to contact me should you have any further questions concerning this matter.

Very truly yours,

LAWRENCE E. SCHMID'T Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. Isaac Gheller, RRIG Corporation 3403 Old Post Drive, Baltimore, Md.

21203

People's Counsel
Office of Planning & Zoning
FiXe

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

February 7, 1995

(410) 887-4386

Ms. Sandra L. Sims 4 Tricount Court #3A Owings Mills, Maryland 21117

> RE: Petition for Variance Case No. 95-166-A

RRIG Corporation, Petitioner Property Owner: Oneil Johnson

Dear Ms. Sims:

This is to acknowledge receipt of your letter of January 27, 1995 regarding the above matter.

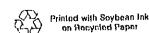
Following the hearing on this case held on December 1, 1994, I rendered my written decision and Order on December 8, 1994. A copy of that Order is enclosed herewith.

In reviewing my file and your letter, apparently I did not forward a copy of this Order to you when same was issued. I sincerely regret this oversight. Although you did sign in and participate at the hearing, a copy of my Order was not furnished to you, by mistake. It is the practice of this office, although not a requirement under law, to furnish copies of decisions to those who appear and participate at the hearing.

My file does, however, reflect that a copy of my Order was forwarded to Lenwood Johnson at the Office of Planning and Zoning. I do not know whether you have previously heard from Mr. Johnson about my decision.

Under the Baltimore County Code, any appeal from my decision must be filed with the County Board of Appeals within 30 days from the date of the decision. The 30 day window of appeal expired on or about January 9, 1995. Although I cannot offer you any legal advice, I can advise that I do not have the authority to extend this deadline, and that any such extension need be approved by the Board of Appeals. If you are interested in pursuing this matter further, I suggest that you file an appeal and offer your arguments to the Board accordingly. You also may wish to consult legal counsel about your options.





Ms. Sandra L. Sims 4 Tricount Court #3A Owings Mills, Maryland 21117 page 2.....

Also, please note that the relief granted was conditioned on the requirement that the Petitioner submit and receive approval of the elevation drawings for the proposed dwelling from the Office of Planning and Zoning. In fact, subsequent to my decision, I received correspondence from John McGrain, of Planning and Zoning and the Landmarks Preservation Commission, that the design drawings for the proposed Boston model dwelling were not compatible and unacceptable. Thus, the Petitioner's initial submission to the Office of Planning and Zoning was rejected and the requirement contained in my Order unmet. I have not heard from Planning and Zoning as to whether other submittals have been made.

I, again, regret the error in not forwarding you a copy of the Order. If you would like to discuss this matter further with me, please do not hesitate to call.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn encl.

cc: Kathryn T. May, Esquire

cc: Isaac Gheiler

cc: Peoples Counsel

cc: John McGrain

cc: Lenwood Johnson

P.S.

I am also enclosing herewith a copy of attorney Kathryn T. May's letter to me dated January 31, 1995 responding to your letter. Her letter does not indicate that a copy of her correspondence was furnished to you.

9/166.9

January 27, 1995

Mr. Lawrence E. Schmidt Zoning Commissioner of Baltimore County Old Courthouse Building, Room 112 400 Washington Avenue Towson, Maryland 21204



Mr. Schmidt,

This letter is regarding the zoning hearing heard by you on December 1, 1994, for the purpose of a Petition for Variance from the RRIG Corporation, concerning property owned by Mr. Oneil Johnson located at the S.E. corner of Bond and Wolfe Avenues in Reisterstown, Maryland.

As you are aware, I was a contestant in attendance at this hearing. As such, I expected to receive correspondence regarding your ruling on this case. I understand that a decision was rendered by you regarding this case. To date, I have not received any correspondence from your office. I additionally left a message for you at your office on January 24, 1995. To date, you have not responded.

In light of the aforementioned concerns, I am requesting that the Petition for Variance regarding this case be reopened, with an amended decision and an opportunity to appeal.

Your immediate response and action in this matter is greatly appreciated. I can be reached at (301) 236-1852 between the hours of 9:00 a.m. and 4:00 p.m. or at the following address:

4 Tricount Court, Apartment 3A Owings Mills, Maryland 21117

Sincerely, Lums Eundra L. Sims

Copies to:

K. Turner May, Attorney

P. Zimmerman, People's Council





RETURN RECEIP! REQUESTED

me. hawrence E. Schmist Gestr. Courty
Zoning Commissioner of Back. Courty
Old Co sethouse 1849, Room 112
400 1595hington Doenve

4 Teicount Cf. #3A Owings Mills, Md

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MAIL

BALTIMORE OFFICE MERCANTILE BANK & TRUST BUILDING 2 HOPKINS PLAZA 9TH FLOOR BALTIMORE, MARYLAND 21201 410-539-3700 TELECOPIER 410-625-9050

LEVIN & CANN

LAW OFFICES

ELLIS LEVIN (1893-1960)

A PROFESSIONAL ASSOCIATION 305 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 410-321-0600 TELECOPIER 410-296-2801

JULIUS W. LICHTER

45-166A

October 26, 1994

Hand Delivered

Arnold Jablon, Director Zoning Administration and Development Management 111 W. Chesapeake Avenue Towson, Maryland 21204

Drop-Off Filing of Petition for Variance

Dear Mr. Jablon:

Enclosed please find a Petition for Variance and accompanying documents, including a check for \$85.00 to cover the filing fee and Please note that this Petition is not being filed in posting. response to a zoning violation.

Because the property that is subject to the Petition for Variance is an undersized lot, also enclosed is the Undersized Lot Recommendation Form and accompanying documents. My understanding is that the Petition for Variance and the OPZ recommendation on a building permit for an undersized lot may be processed together and when done so, there is no additional filing fee.

Please call me or Kathryn May of my office with any questions about the enclosed.

Sincerely,

Julius W. Lichter

enclosures

Sit. Car. Car.

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-639-3700
TELECOPIER 410-625-9050

LAW OFFICES

Levin & Gann

A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

KATHRYN T. MAY

December 22, 1994

HAND DELIVERED

Lawrence E. Schmidt. Zoning Commissioner Old Courthouse, Suite 112 400 Washington Avenue Towson, Maryland 21204

ELLIS LEVIN (1893-1960)

RE: Clarification of Order in Case No. 95-166-A

SE Corner Bond & Wolfe Avenues Petitioner: RRIG Corporation

Dear Commissioner Schmidt:

I am requesting written clarification regarding your Opinion and Order in the above-referenced matter. My understanding from speaking with you about your Order, is that the Petitioner may proceed with development of the subject property for a single-family home, subject to approval of elevation drawings by the Office of Planning and Zoning. Moreover, it is my understanding that §304 of the Baltimore County Zoning Regulations is not a bar to the development of this site with a single-family home, in light of your decision to grant the requested variance.

I would appreciate written confirmation of my understanding of your Opinion and Order prior to January 5, 1995.

Thank you for your attention to this matter.

Best wishes for a joyous holiday season and a happy new year!

Sincerely,

Kathryn T. May

c.c. Mr. Isaac Gheiler, RRIG Corporation

b'v() .

ELLIS LEVIN (1893-1960)

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

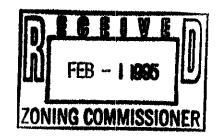
KATHRYN T. MAY

LAW OFFICES LEVIN & GANN

A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

Tanuary 21 1005

January 31, 1995



HAND DELIVERED

Lawrence E. Schmidt, Zoning Commissioner Old Courthouse, Room 112 400 Washington Avenue Towson, Maryland 21204

RE: Case No. 95-166-A

Petition for Variance / Petitioner: RRIG Corporation

Dear Mr. Schmidt:

I am in receipt of a copy of a letter sent to you dated January 27, 1995 from Ms. Sandra Sims, a protestant in the above captioned matter. Ms. Sims is requesting that you re-open this case, amend your decision, and provide her with another opportunity to appeal.

I do not believe that you have any authority to re-open this case, amend your decision, or allow Ms. Sims to file an untimely appeal and my client would adamantly oppose any attempts to do so. You issued an Order granting the Petitioner's variance request on December 8, 1994. The 30-day appeal period expired on January 9, 1995. Thus, your December 8, 1994 Order became final as of January 9, 1995 and cannot now be appealed.

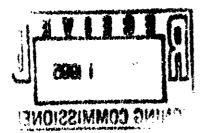
Although I know it is your practice to provide protestants with a copy of your decisions, I could find no provisions in the Baltimore County Zoning Ordinance which requires you to do so. Therefore, if in fact your office inadvertently failed to mail Ms. Sims a copy of the December 8, 1994 Order, there is still no basis for re-opening this case or permitting an untimely appeal.

My client has relied on the fact that the Order became final on January 9, 1995, and in good faith he has moved forward with his plans for this property. To permit an untimely appeal would be both illegal and unconscionable.

Sincerely,

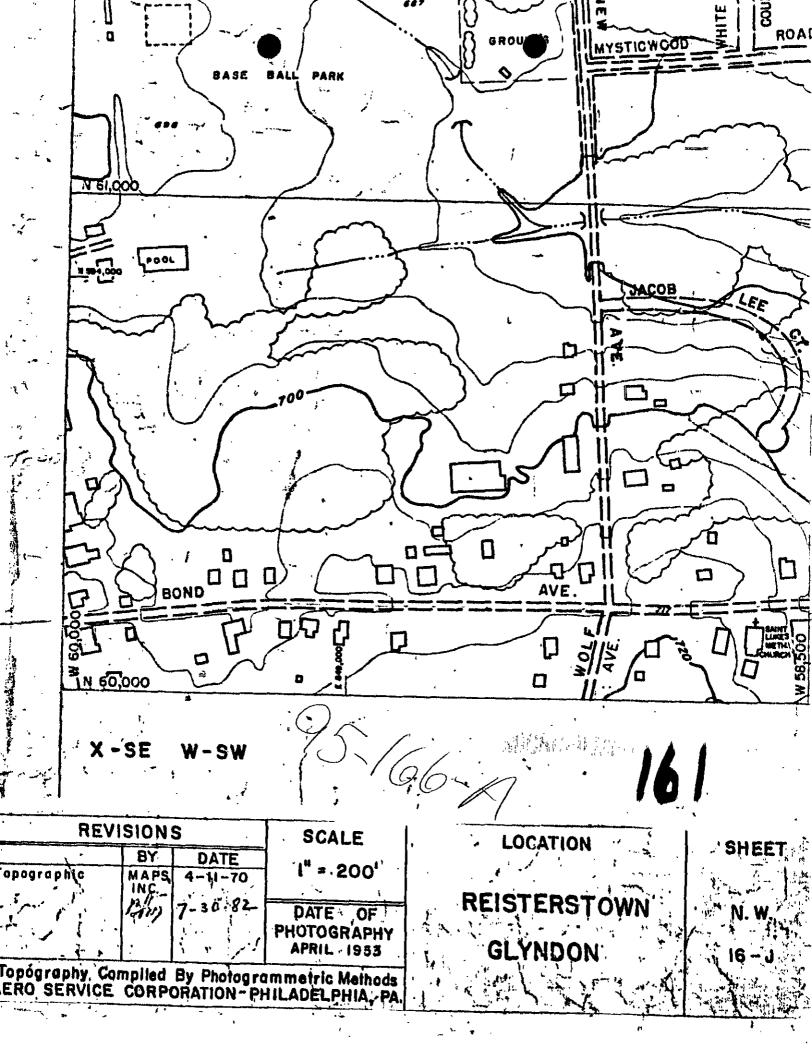
Kachur May
Kathryn T. May

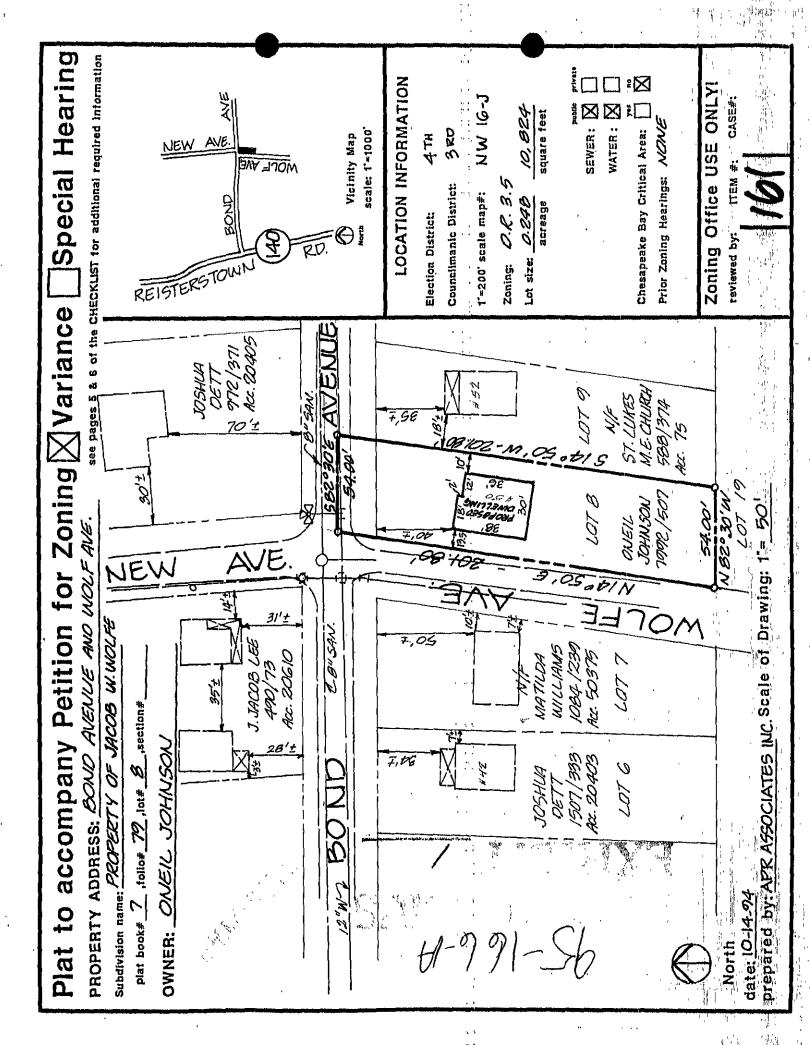
c.c. Mr. Issac Gheiler People's Counsel

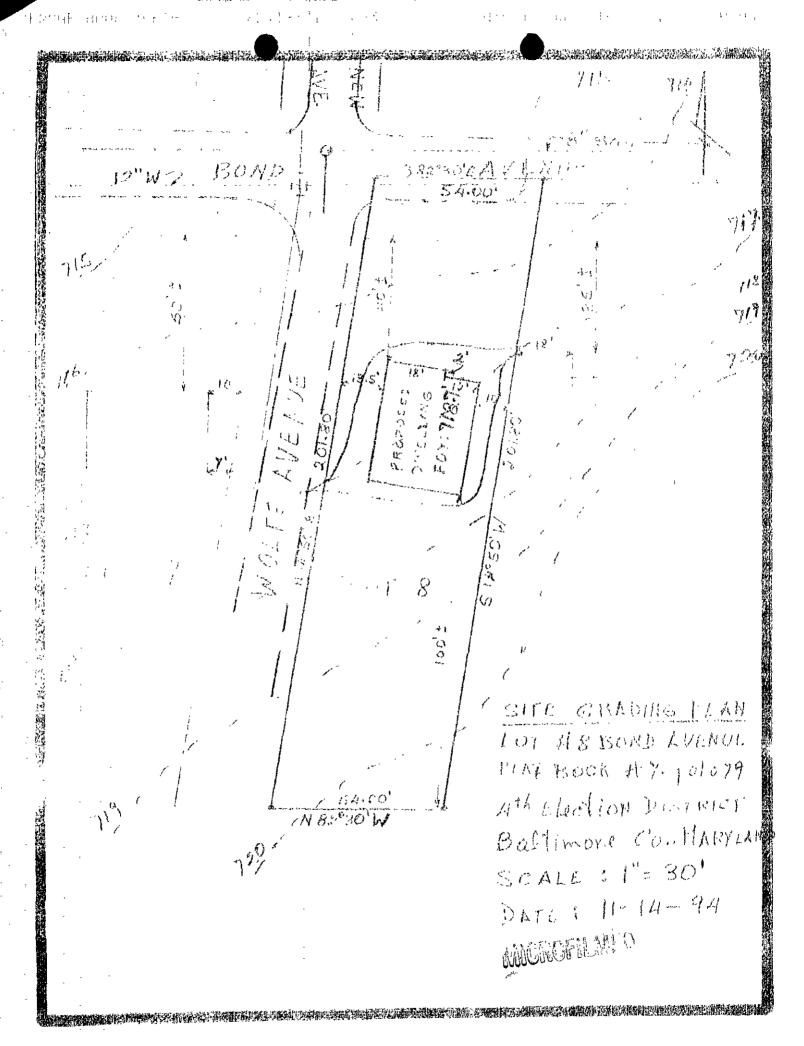


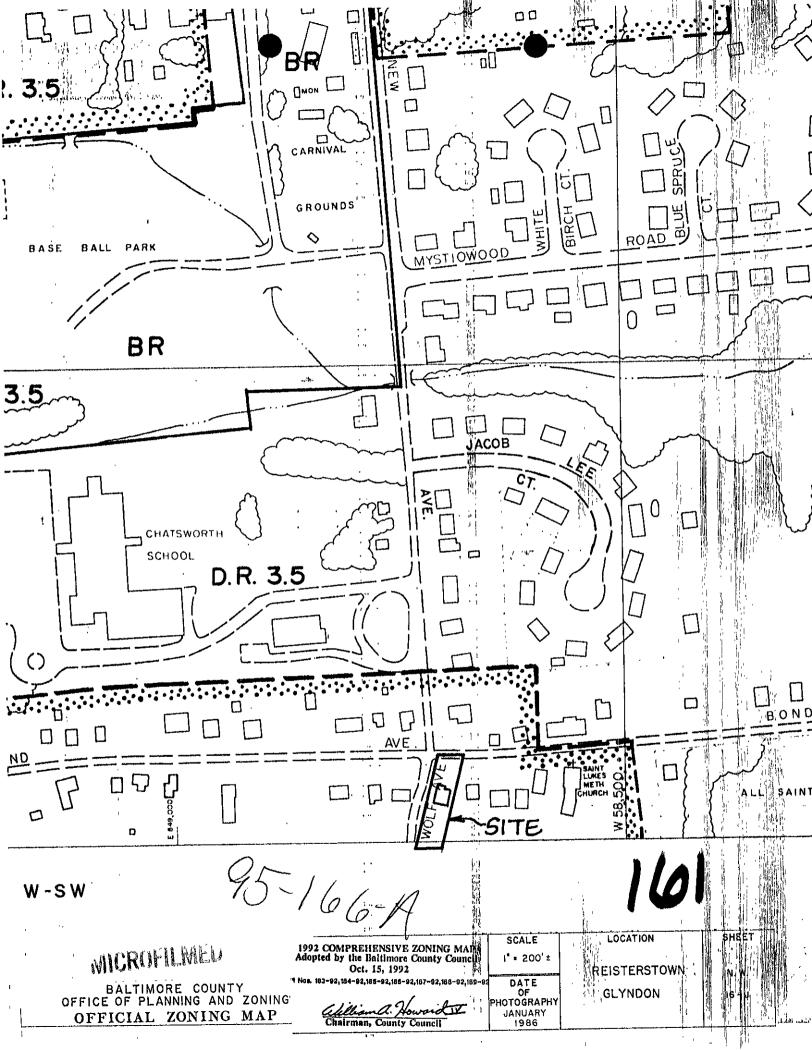
PROTESTANT(S) SIGN-IN SHEET

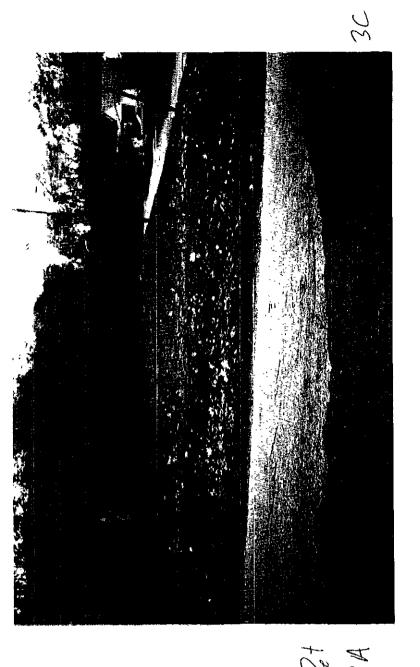
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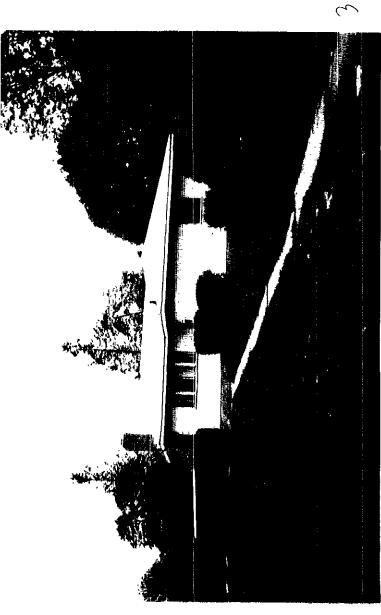


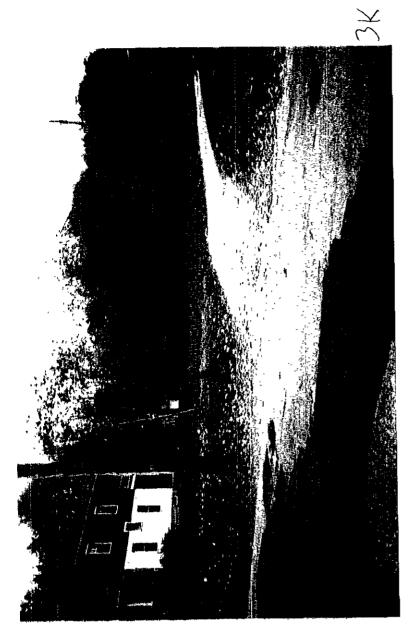


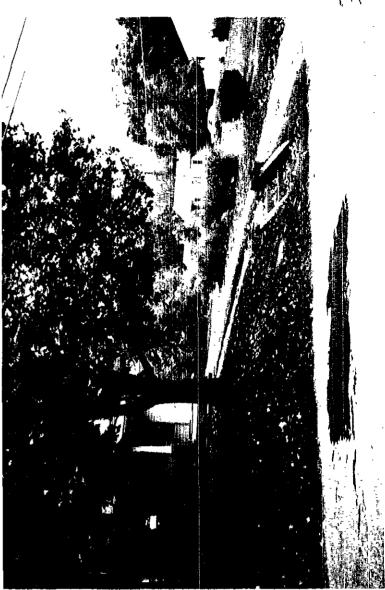


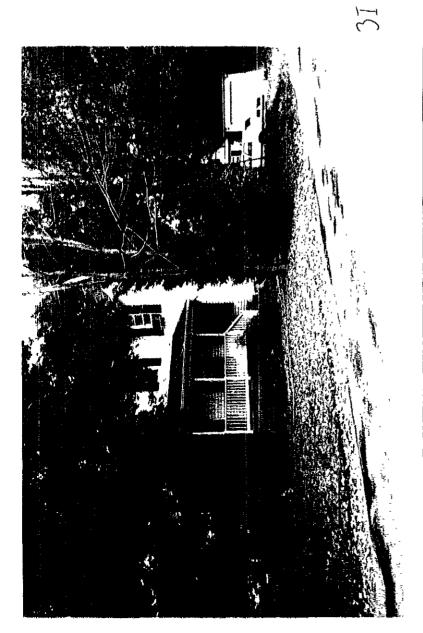
















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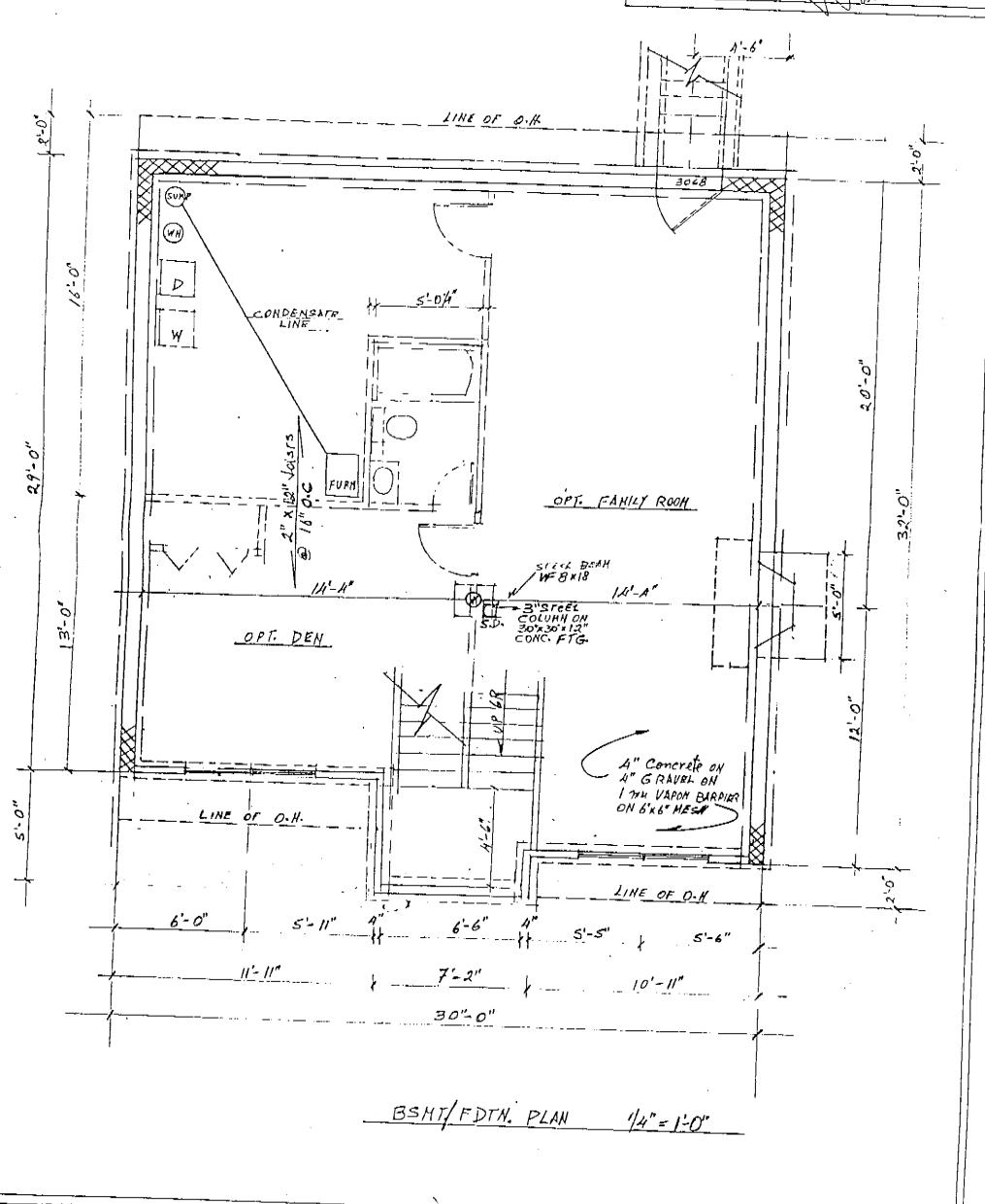
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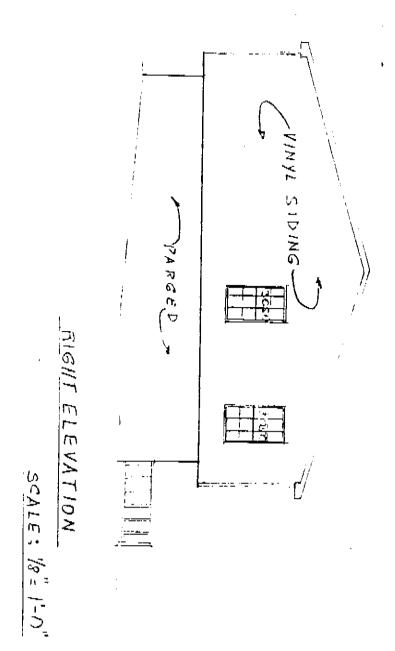
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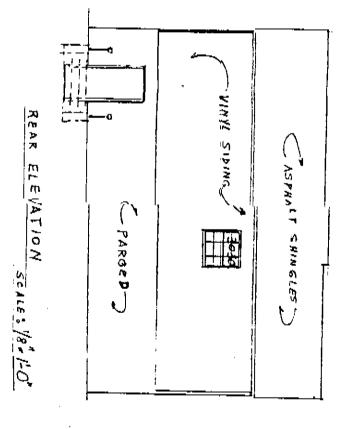
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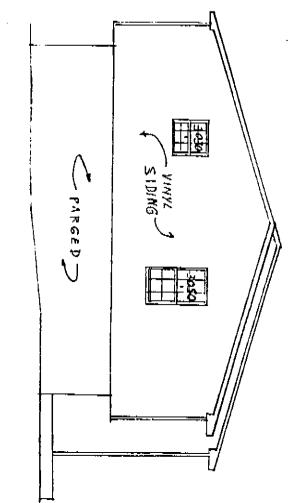
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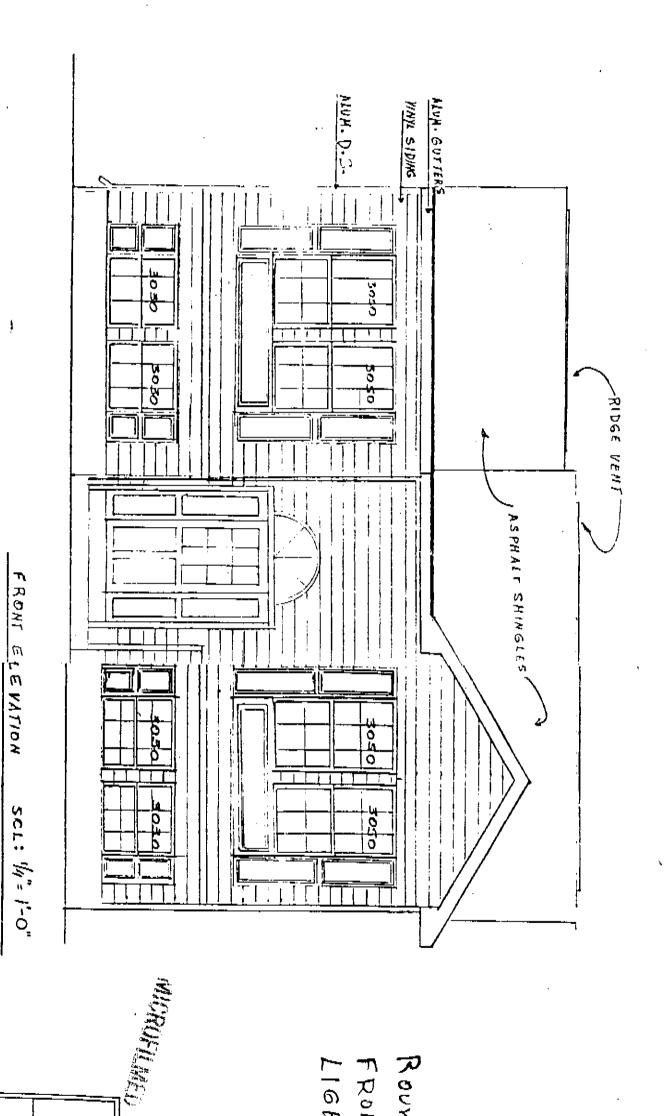
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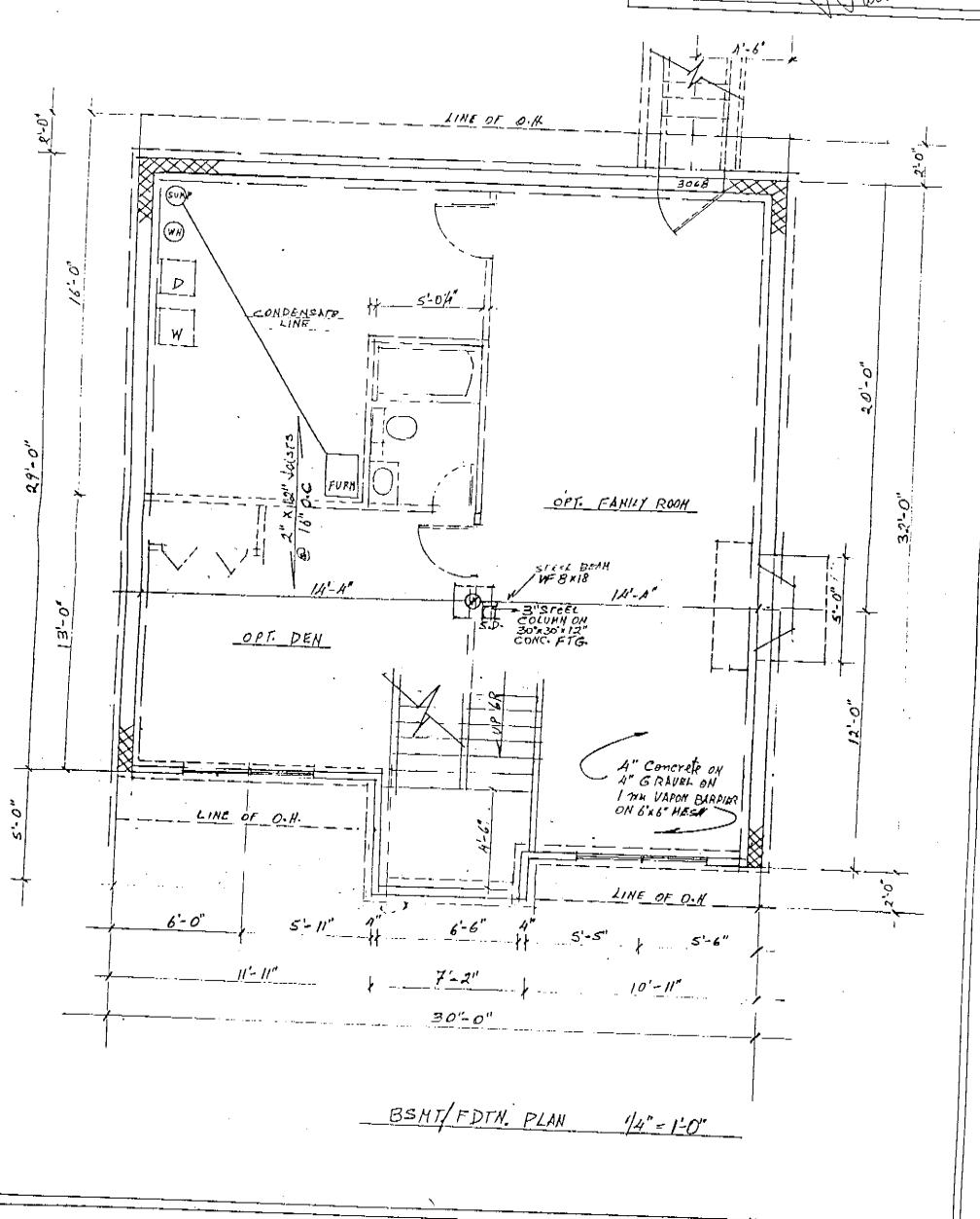
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PLAN: FLOOR PLANS (13 2 2 nd)

OWNER: RRIG CORPORATION

SCALE: 1/4" = 1'-0"

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